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*Time-
Dated
Material*

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION/AMENDMENT

Northern California Power Agency

A written comment period has been established commencing on **November 25, 2005** and closing on **January 9, 2006**. Written comments should be directed to the Fair Political Practices Commission, Attention Teri Rindahl, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **January 9,**

2006. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3406(b) of the regulations in Title 3 of the California Code of

Regulations pertaining to the Mediterranean Fruit Fly Interior Quarantine as an emergency action that was effective on October 17, 2005. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than February 14, 2006.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before January 9, 2006.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

This amendment expanded the existing (72 square miles) quarantine area for Mediterranean fruit fly by approximately 13 square miles to make the total regulated area surrounding the Rancho Cucamonga area of San Bernardino County approximately 85 square miles. The effect of the amendment was to implement the authority for the State to regulate movement of hosts and possible carriers of Mediterranean fruit fly within and from the additional 13 square mile area under quarantine to prevent artificial spread of the fly to noninfested areas in order to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3406 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce it. No reimbursement is required under Section 17561 of the Government

Code because the San Bernardino County Agricultural Commissioner requested that this area become the area under quarantine; therefore, there are no mandated costs associated with the addition of the Rancho Cucamonga area to the regulation.

The Department also has determined that the regulation will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. A representative person or business could incur costs of approximately \$15 per year in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department amended Section 3406(b) pursuant to the authority vested by Sections 407, 5301, 5302, and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department amended Section 3406(b) to implement, interpret and make specific Sections 5301, 5302, and 5322, Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 10. OFFICE OF REAL ESTATE APPRAISERS

NOTICE IS HEREBY GIVEN that the Director of the Office of Real Estate Appraisers (OREA) proposes to amend California Code of Regulations, Title 10, sections 3500, 3525, 3527, 3528, 3541, 3542, 3543,

3544, 3563, 3568, 3582, 3603, 3622, 3668, 3681, 3682, 3761, and Article 15 and to add section 3583 relative to the practice of real estate appraisal for purposes of clarity and to implement specific requirements of the Appraiser Qualifications Board (AQB) of the Appraisal Foundation.

A public hearing for the collection of comments about this proposal has not been scheduled. However, any interested person or his or her duly authorized representative may present statements, arguments or conclusions in writing. In addition, a public hearing will be held if, no later than fifteen days prior to the close of the written comment period, an interested person or his or her duly authorized representative submits in writing to OREA a request that a hearing be held.

Any written comments on the proposed regulations must be received no later than 5:00 p.m. on January 9, 2006, which is hereby designated as the close of the written comment period. Please submit written comments to:

Office of Real Estate Appraisers
1102 Q St., Suite 4100
Sacramento, CA 95814

CONTACT

Inquiries concerning the action described in this Notice may be directed to Anthony F. Majewski at (916) 440-7878 or to Greg Harding at (916) 440-7874.

AUTHORITY AND REFERENCE

Pursuant to the authority vested in the Office of Real Estate Appraisers by sections 11302, 11310, 11313, 11314, 11328, 11360, 11361, Business and Professions code, Section 87300, Government Code, and to implement, interpret or make specific Public Law 101-73 Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), OREA is proposing changes to California Code of Regulations, Title 10, Chapter 6.5 as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The US Congress enacted Title XI of FIRREA in 1989, mandating all states to license real estate appraisers who appraise real property for federally related real estate transactions as defined. In response to the federal mandate, the California Legislature passed the Real Estate Appraisers' Licensing and Certification Law [Stats. 1990, c. 491 (AB 527), amended by Stats. 1990, c. 1062 (SB 910), Stats. 1991, c. 84 (SB 1028), Stats. 1991, c.1091 (AB 1487), Stats. 1992, c. 95 (SB 1958), Stats. 1992, c. 767 (SB 492), Stats. 1993, c. 331 (SB 914), Stats. 1993, c. 343 (SB 173), Stats. 1993, c. 940 (AB 1723), Stats. 1993,

c. 941 (AB 387), Stats. 1994, c. 837 (AB 2634), Stats. c. 439 (SB 1316), Stats. 1997, c. 790 (SB 1348), Stats. 1998, c. 366 (AB 2244), and Stats. 1999, c. 974 (AB 431)]. The law charged OREA with licensing real estate appraisers in the state of California and enforcing ethical and professional standards and qualifications.

Regulations previously adopted by OREA to carry out these federal and state statutory requirements are being proposed for amendment as follows:

Section 3500. Meaning of Words and General Definitions

Subsection (b)

In addition to issuing a license to a person who has made application to be State Licensed Real Estate Appraiser or a State Certified Real Estate Appraiser, OREA issues a license to a person who has applied for a Trainee License, a Temporary Practice Permit or Reciprocal License. The OREA also issues an approval to a person or organization that has made application to provide real estate appraisal education. Therefore, OREA proposes amending existing regulation in section 3500(b)(1) to add to the definition of "Applicant" persons or organizations that make application to provide real estate appraisal education and persons who make application for reciprocal licenses.

Existing regulation in section 3500(b)(13) is proposed for amendment to add a definition of Course Provider to apply to persons or organizations who have been approved by OREA to provide real estate appraisal education courses within the parameters set forth in California Code of Regulations, Title 10, Chapter 6.5.

NOTE: Authority cited, Sections 11310, 11313, 11314 and 11361, Business and Professions Code. Reference: Sections 10, 11302, 11310, 11360 and 11361, Business and Professions Code.

Section 3525. Temporary Practice Permit

Subsection (a)

Existing regulation in section 3525(a) is proposed for amendment to add the word assignment after the word appraisal. The proposed amendment clarifies that temporary practice permits are issued for one or more real estate appraisals and written reports covered by a contract to provide an appraisal. The proposed amendment conforms to Appraisal Subcommittee Policy Statement 5 that clarifies provisions of FIRREA.

NOTE: Authority cited: Sections 11313, 11314, 11324, 11340 and 11350, Business and Professions Code. Reference: Sections 11350 and 11351, Business and Professions Code.

Section 3527. Personal Information or Contact Change

The OREA maintains files and records of all applicants and holders of licenses, temporary practice

permits and course provider approvals. Those records contain information relative to addresses and telephone numbers where applicants and holders of licenses, temporary practice permits and course provider approvals can be reached for routine correspondence and for service of process. Existing regulation in section 3527 requires applicants and holders of licenses to provide changes in contact information but does not require applicants for or holders of course provider approval to provide such information. The existing regulation is proposed for amendment to require applicants for and holders of course provider approval to notify OREA within 10 days of a change of specified information.

NOTE: Authority cited: Sections 11313, 11314 and 11340 Business and Professions Code. Reference: Section 11340, Business and Professions Code.

3528. Minimum Requirements

Existing regulation in section 3528 refers to the Appraisal Qualifications Board. The section is proposed for amendment to correct the name to Appraiser Qualifications Board.

NOTE: Authority cited: Sections 11313, 11314 and 11340 Business and Professions Code. Reference: Section 11340, Business and Professions Code; Section 1112, Financial Institutions Reform, Recovery and Enforcement Act of 1989, Public Law 101-73 (FIRREA).

3541. Minimum Experience Requirements

Subsections (c)(e) and (f) and renumbering of other sections accordingly

OREA proposes eliminating language of section 3541 that became inoperative on January 1, 1998, and replacing it with current language.

Existing regulation in section 3541(c) is proposed for amendment to establish a minimum 12-month time period for obtaining qualifying experience to be a state licensed real estate appraiser. Previously, no minimum time period applied to applicants gaining appraisal experience. The proposed amendment implements mandatory minimum experience criteria established by the Appraisal Foundation.

Existing regulation in section 3541(e) is proposed for amendment to eliminate the requirement that at least 50 percent of the experience hours needed for licensure must have been performed within the last five years. That requirement, which exceeded minimum AQB requirements, had the effect of prohibiting some previously licensed appraisers whose licenses had expired from returning to the profession despite the fact that they had maintained compliance with appraisal education requirements or had been performing other qualifying real estate related work.

Existing regulation in section 3541(f) is proposed for amendment to comply with AQB requirements that experience gained prior to January 30, 1989, is not eligible qualifying experience for licensure.

NOTE: Authority cited: Sections 11313, 11314 and 11340, Business and Professions Code. Reference: Section 11340, Business and Professions Code.

Section 3542. Acceptable Categories of Experience and Criteria for Each Category
Subsections (a) and (b)

Existing regulation in section 3542(a)(5) is proposed for amendment to change the term real estate counseling to real estate consulting as used in the Uniform Standards of Professional Appraisal Practice (USPAP) to describe specific work subject to the provisions of the USPAP.

Existing regulation at 3542(a)(5)(C) is proposed for amendment to describe specific work subject to the provisions of USPAP as consulting and incorporates those activities as described in USPAP Standards Rules 4 and 5.

Existing regulation in section 3542(a)(8)(A) and (B) is proposed for amendment to delete references to requirements for qualifying the teaching of appraisal courses toward the experience requirements for licensure.

Existing regulation in section 3542(b) is proposed for amendment to enable applicants to gain experience credit for completion of case studies and practicum courses that have been approved by the AQB and limits that credit to 50 percent of the total experience credit requirement.

NOTE: Authority cited: Sections 11313, 11314 and 11340, Business and Professions Code. Reference: Section 11340, Business and Professions Code.

Section 3543. Minimum Basic and Continuing Education Requirements
Subsections (a) (b) and (c)

Existing regulation in section 3543(a)(5) is proposed for amendment to use distance education as the accepted term for methods of delivering education courses outside the typical classroom setting.

Existing regulation in section 3543(a)(5)(B) is proposed for amendment to delete language that requires courses taken for credit at the certified levels to be reviewed and approved by the American Council for Education's Program on Non-Collegiate Sponsored Instruction. The proposed amendment specifies that courses must be reviewed and approved by the Office and either the International Distance Education Certification Center or approved through the AQB course approval program to comply with current AQB education criteria.

Existing regulation at 3543(b)(3) is proposed for amendment to clarify that the 7 hours of continuing education in USPAP must consist of the 7-hour National USPAP course as required by the AQB every 2 years.

Existing regulation at 3543(c)(1) is proposed for amendment to include CD ROM and online as alternative course delivery mechanisms.

NOTE: Authority cited: Sections 11313, 11314, 11340 and 11361, Business and Professions Code. Reference: Public Law 101-73 (FIRREA) and Sections 11340 and 11360, Business and Professions Code.

3544. Credit for Teaching Appraisal Courses
Subsections (a) and (b)

Existing regulation in section 3544(a) is proposed for amendment to delete the requirement for acceptance of experience credit for teaching appraisal courses as of December 31, 1997, and to limit acceptance for education credit of teaching experience to one-half of the total of either the required basic or continuing education but not both in compliance with AQB criteria.

Existing regulation in section 3544(b) is proposed for amendment to delete the reference to submission of a description of appraisal teaching experience in section 3563(b)(3)(A) through (H) and to include new sections 3544(b)(1) through (7) applicable to submission of verification of instructor experience for obtaining credit for basic or continuing education.

NOTE: Authority cited: Sections 11313, 11314 and 11340, Business and Professions Code. Reference: Section 11340, Business and Professions Code.

3563. Evidence of Experience Qualifications
Subsections (b) and (c)

Existing regulation in section 3563(b)(3) is proposed for amendment to delete the requirement for providing a description of appraisal teaching experience for use as experience credit since teaching of appraisal courses is no longer acceptable for experience credit.

Existing regulation in section 3563(c) is proposed for amendment to delete the requirement that at least 50 percent of the experience submitted to satisfy experience requirements must have been gained in the five-year period immediately preceding the submission of an application for a license or a request for issuance of a license. The current provision exceeds AQB requirements.

NOTE: Authority cited: Sections 11313, 11314 and 11340 Business and Professions Code. Reference: Section 11340, Business and Professions Code.

3568. Provisional Licenses, Trainee Licenses and Supervising Appraiser

Subsections (a) (b) (c) (g) and (h)

Other sections renumbered accordingly

Existing regulation in sections 3568(a) and (b) are proposed for deletion because the Office has neither issued nor renewed Provisional Licenses since the effective date of these regulations and any previously issued Provisional Licenses have already expired.

Existing regulation in section 3568(c)(1)(B) is proposed for amendment to comply with current AQB requirement that applicants for the Trainee License complete the 15-hour National USPAP Course or its equivalent and is renumbered to subsection (a)(1)(B).

Existing regulation in section 3568(c)(1) is proposed for amendment to add subsection (C) to limit acceptable qualifying education to the five year period immediately preceding the date of application to comply with current AQB requirements.

Existing regulation in section 3568 is proposed for amendment to add section (f) to comply with AQB requirements that become effective on January 1, 2008, specifying that appraisers who supervise trainees must be licensed at the certified level and in good standing with the Office and to limit supervising appraisers to supervising no more than three trainees at any one time.

NOTE: Authority cited: Sections 11313, 11314 and 11340, Business and Professions Code. Reference: Section 11341, Business and Professions Code.

3583. Temporary Reduction in Issuance Fee

Existing regulation in section 3582(b)(2) specifies the issuance fee for new and renewal licenses. Section 3583 is proposed to add language relative to a temporary reduction in issuance fees charged to applicants for new and renewal licenses at all levels. The proposed amendment would reduce issuance fees for new and renewal trainee licenses from \$300 to \$150; would reduce issuance fees for new and renewal residential licenses from \$300 to \$150; and, would reduce issuance fees for new and renewal certified licenses from \$375 to \$200. The reductions in issuance fees would remain in effect until the balance in the Real Estate Appraisers Regulation Fund is projected at any time to be equal to projected expenditures at which time issuance fees for new and renewal licenses would revert to the levels specified in section 3582(b)(2) in current regulation.

NOTE: Authority cited: Sections 11350, 11400, 11401, 11402, 11403, 11404, 11405, 11406, 11407 and 11422, Business and Professions Code; Section 11350.6, Welfare and Institutions Code. Reference: Sections 11350, 11401, 11402, 11403, 11404, 11406, and 11407 Business and Professions Code.

3603. Converting a Provisional or Trainee License to a Full License or Higher Classification

Subsections (3) and (4)

Existing regulations in section 3603 and in sections 3603(3) and (4) are proposed for amendment to delete the reference to Provisional licensed appraisers consistent with proposed amendment to section 3568(a) and (b).

NOTE: Authority cited: Sections 11313, 11314 and 11340, Business and Professions Code. Reference: Section 11340, Business and Professions Code.

3622. Re-Examination

Existing regulation in section 3622 is proposed for amendment to add section (c) to limit applicants to no more than five attempts to pass the examination in any 12-month period.

NOTE: Authority cited: Sections 11313, 11314 and 11340, Business and Professions Code. Reference: Section 11340, Business and Professions Code.

3668. Denial or Withdrawal of Education Accreditation

Subsections (a) and (b)

Existing regulation in section 3668 is proposed for amendment to replace the term course sponsor with course provider.

NOTE: Authority cited: Sections 11313, 11314 and 11340, Business and Professions Code. Reference: Section 11340, Business and Professions Code.

3681. Renewal Application

Subsection (a)

Existing regulation in section 3681(a) is proposed for amendment to add subsection (3) to conform to AQB standards that require proof of completion of the 7-hour National USPAP Update Course at every renewal period.

NOTE: Authority cited: Sections 11313, 11314, 11340, 11341, 11360 and 11361, Business and Professions Code. Reference: Sections 11340, 11341, 11360 and 11361, Business and Professions Code.

3682. Late Renewals

Subsections (a) (b) and (d)

Existing regulation in section 3682(a) is proposed for amendment to provide for a two-year period within which a licensee may renew a license after license expiration rather than a one-year period.

Existing regulation in section 3682(b) is proposed for amendment to specify that appraisals for federally related real estate transactions may not be performed during the two-year grace period proposed in subsection (a).

Existing regulation in section 3682(d) is proposed for amendment to extend the period for renewal of an expired license without submission of specified additional requirements from one year to two years.

NOTE: Authority cited: Sections 11313, 11314 and 11361, Business and Professions Code. Reference: Sections 11341 and 11360, Business and Professions Code.

3761. Personal Information, Access

Subsection (b)

Existing regulation in section 3761(b) is proposed for amendment to provide the current address of the Office of Real Estate Appraisers.

NOTE: Authority cited: Sections 11313 and 11314 Business and Professions Code. Reference: Section 1798.30, Civil Code.

Article 15. Office of Real Estate Appraisers Conflict of Interest Code

Existing regulations in Article 15 are proposed for amendment to provide the current address of the Office of Real Estate Appraisers.

FISCAL IMPACT

- Cost or Savings to Any State Agency: None
- Direct or indirect costs or savings in federal funding to the state: None
- Other nondiscretionary cost or savings imposed on local agencies: None
- Costs to any local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code: None

DETERMINATIONS

The Office of Real Estate Appraisers has made an initial determination that the adoption/amendment/ repeal of this regulation:

- Does not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with business in other states.
- Does not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not have an effect on housing costs.
- Does not significantly affect: (1) the creation or elimination of jobs within the State of California; (2) the creation of new businesses, the expansion of business or the elimination of existing businesses currently doing business within the State of California.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impacts of these amendments are those relative to the deletion of ACE/CREDIT as the accreditation entity for distance learning appraisal

education courses and the addition of a requirement that courses instead be approved by either IDECC or the AQB course approval program.

Revenues of the American Council on Education may be reduced because appraisal educational course providers will no longer be required to submit distance education courses for accreditation by the ACE/CREDIT course approval process. However, the amount of revenue reduction to ACE/CREDIT is difficult to estimate since some educational course providers may continue to submit courses to ACE/CREDIT for accreditation.

The cost impact on private providers of distance learning appraisal education courses would be a reduction in cost to those providers that only request approval from IDECC since IDECC approval costs are \$700 for a 15-hour distance learning course as opposed to \$10,000 for the same courses to be accredited by ACE/CREDIT.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OREA has prepared and has available for public review an Initial Statement of Reasons for the proposed changes in these regulations, the information upon which the proposed changes are based and the text of the proposed regulations, as changed. A copy of the Initial Statement of Reasons and a copy of the proposed regulation text are available upon request by writing to OREA at the address noted above, which will also be the location of public records, including reports, documentation and other materials related to the proposed regulations. The information may also be accessed on OREA's website at www.orea.ca.gov

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation, which is changed or modified from the express terms of the proposed action, will be made available by OREA at least 15 days prior to the date on which OREA adopts, amends or repeals the resulting regulations.

ADDITIONAL STATEMENTS AND COMMENTS

Economic Impact

OREA has determined that the proposed regulatory action will have a positive economic impact on California businesses. Those proprietary providers of distance learning appraisal education courses who

choose to eliminate ACE/CREDIT accreditation of their courses will benefit significantly from reduced expenditures for course accreditation.

The elimination of ACE/CREDIT as a course accreditation provider will have no impact on California jobs since ACE/CREDIT is based exclusively out of state.

The elimination of ACE/CREDIT as a course accreditation provider and the addition of IDECC as the sole private accreditation provider will have no impact on California jobs since IDECC is based exclusively out of state.

The proposed regulatory action will have no effect on expansion of businesses currently doing business in California.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations will have an effect on small businesses. The effect of the proposed regulatory action will be a potential reduction in expenditures to small business providers of distance learning appraisal education courses.

CONSIDERATION OF ALTERNATIVES

OREA has determined that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 11. DEPARTMENT OF JUSTICE

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL

NOTICE IS HEREBY GIVEN that the Department of Justice, Office of the Attorney General, pursuant to the authority set forth in section 87306 of the Government Code, proposes amendments to its Conflict of Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306, of the Government Code.

The Political Reform Act (Gov. Code, § 81000 et seq.) requires each government agency to adopt a conflict of interest code, and agency personnel covered by the code to periodically file a financial disclosure statement known as a statement of economic interests. (See Gov. Code, §§ 87300 and

87302.) Among other things, an agency's conflict of interest code must enumerate employee positions with the agency that involve the making of or participation in the making of decisions that may foreseeably have a material financial effect on any economic interest of the employee and, for each enumerated position, the specific types of investments, business positions, interests in real property, and sources of income and gifts which are required to be disclosed on the statement of economic interests. (Gov. Code, § 87302.)

The Department of Justice, Office of the Attorney General proposes to amend its conflict of interest code due to the creation of new employee positions and the reorganization of existing employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

The newly created Department sections that require inclusion in the code, and the disclosure category proposed for designed employees in each section, are as follows:

1. Division of Public Rights—Energy and Corporate Responsibility Section

A. Deputy Attorneys General, Disclosure Category 1

The new Department positions that require inclusion in the code, and the disclosure category proposed for each position, are as follows:

1. Executive Office and Programs

A. Employees receiving salaries equal to or above that of Staff Services Manager I who are regularly assigned tasks involving the development, review, or award of bids/contracts, Disclosure Category 14

B. Crime Prevention Specialists who are regularly assigned tasks involving the development, review, or award of bids/contracts, Disclosure Category 15

C. Director of the Office of Native American Affairs, Disclosure Category 1

D. Director and Assistant Director of the Office of Program Review and Audits, Disclosure Category 1

E. Auditors assigned to the Office of Program Review and Audits, Disclosure Category 9

F. Deputy Press Secretary, Disclosure Category 1

G. All other employees holding positions in managerial classifications, Disclosure Category 14

2. Division of Civil Law

A. Auditors in the Business and Tax Section, Disclosure Category 1

3. Division of Criminal Law
 - A. Special Agents in the Bureau of Medi-Cal Fraud and Elder Abuse, Disclosure Category 8 (clarification)
4. Division of Public Rights
 - A. Auditors with the Registry of Charitable Trusts, Disclosure Category 1
 - B. Auditors in the Energy and Corporate Responsibility Section, Disclosure Category 1
 - C. Auditors in the False Claims Section, Disclosure Category 1
5. Division of Administrative Services
 - A. Conference Coordinator, Disclosure Category 19
6. Division of Legal Support and Technology
 - A. Employees receiving salaries equal to or above that of Staff Services Manager I who are regularly assigned tasks involving the development, review, or award of bids/contracts in the Law Practice Support Section, Disclosure Category 16
 - B. Senior Staff Information Systems Analyst in the Law Practice Section, Disclosure Category 16
7. Division of California Justice Information Services
 - A. Employees receiving salaries equal to or above that of Staff Services Manager I who are regularly assigned tasks involving the development, review, or award of bids/contracts for information technology services or products, Disclosure Category 4
8. Division of Firearms
 - A. Special Agents, Disclosure Category 17
 - B. Field Representatives, Disclosure Category 17

The creation of Disclosure Category 14 requires employees in this category to disclose business positions and investments in and income, including gifts, loans and travel payments, from any business entity which they know or have reason to know is of the type which has within the preceding two years contracted with the Department of Justice or the State of California to provide services, supplies, materials, or machinery of any type to the employee's division.

The creation of Disclosure Category 15 requires employees in this category to disclose business positions and investments in and income, including gifts, loans and travel payments, from any business entity which they know or have reason to know is of the type which has within the preceding two years contracted with the Department of Justice or the State

of California to provide services, supplies, materials, or machinery involving audio/visual/digital imaging services, to the Department of Justice.

The creation of Disclosure Category 16 requires employees in this category to disclose business positions and investments in and income, including gifts, loans and travel payments, from any business entity which they know or have reason to know is of the type which has within the preceding two years contracted with the Department of Justice or the State of California to provide litigation support technology software or consulting services to the Department of Justice.

The creation of Disclosure Category 17 requires employees in this category to disclose income, including gifts, loans and travel payments, from investments in business-entities that engage in the manufacture, marketing, distribution or sale of firearms.

In addition, designated employees in this category shall disclose business positions and investments in and income, including gifts, loans and travel payments, from any business entity that they know or have reason to know is of the type which has within the preceding two years contracted with the Department of Justice to provide services, supplies, materials, or machinery of any type to the employee's section or bureau, not including contracts which benefit the Department as a whole.

The creation of Disclosure Category 18 requires employees in this category to disclose all investments, income, including gifts, loans and travel payments, and business positions to the extent that they know or have reason to know that the business entity, in which the designated employee holds the investment or business position, or source of income, is a licensee, registrant or anyone required to apply for a license, registration, finding of suitability, or any other approval required under the Gambling Control Act or Tribal State Gambling Compact or a designated agent of such applicant, licensee or registrant. Designated employees also shall disclose interests in real property. In addition, designated employees in this category shall disclose business positions and investments in and income, including gifts, loans and travel payments, from any business entity that they know or have reason to know is of the type which has within the preceding two years contracted with the Department of Justice to provide services, supplies, materials, or machinery of any type to the employee's section or bureau, not including contracts which benefit the Department as a whole.

The creation of Disclosure Category 19 requires employees in this category to disclose business positions and investments in and income, including gifts, loans and travel payments, from any business

entity which they know or have reason to know is of the type which has within the preceding two years contracted with the Department of Justice to provide services, supplies, materials, or machinery in connection with the rental of conference facilities, meeting rooms, hotel rooms or the provision of food service.

The creation of Disclosure Category 20 requires employees in this category to disclose business positions and investments in and income, including gifts, loans and travel payments, from any business entity that they know or have reason to know is of the type which has within the preceding two years contracted with the Department of Justice to provide services, supplies, materials, or machinery of any type to the employee's registry, section or bureau, not including contracts which benefit the Department as a whole.

Makes other technical changes to reflect the current organizational structure of the Department.

Copies of the proposed amendments are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments or contentions relating to proposed amendments by submitting them in writing no later than January 9, 2006, 4:30 p.m., or at the conclusion of the public hearing, if one is requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later 5:00 p.m., December 27, 2005, by contacting the Contact Person set forth below. If a public hearing is requested, it will be held on January 10, 2006, at 10:00 a.m. at Office of the Attorney General, 1300 I Street, Suite 1110-3, Sacramento, California.

After completion of the written comment period/hearing, the Department of Justice, Office of the Attorney General may adopt the proposed amendments if they remain substantially the same as described in the text originally made available to the public. The Department of Justice, Office of the Attorney General may make changes to the proposed amendments prior to their adoption so long as the text of any modified amendment is made available to the public at least 15 days before the Department of Justice, Office of the Attorney General adopts the amendments. A request for the modified text should be made to the Contact Person set forth below. The Department of Justice, Office of the Attorney General will accept written comments on the modified amendments, addressed to the Contact Person set forth below, for 15 days after the date on which the text of any modified amendments is made available.

The Department of Justice, Office of the Attorney General has prepared a written explanation of the reasons for the proposed amendments (Initial Statement of Reasons) and has available the information on which the amendments are based. Copies of the proposed amendments, the Initial Statement of Reasons and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department of Justice, Office of the Attorney General has determined that the proposed amendments:

- (1) Impose no mandate on local agencies or school districts.
- (2) Impose no costs or savings on any state agency.
- (3) Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
- (4) Will not result in any nondiscretionary costs or savings to local agencies.
- (5) Will not result in any costs or savings in federal funding to the state.
- (6) Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Justice, Office of the Attorney General must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected private persons than the proposed amendments.

CONTACT PERSON

All inquiries concerning this proposed amendment and any communications required by this notice should be directed to:

Ted Prim
Deputy Attorney General
Government Law Section
1300 I Street, 17th Floor
Sacramento, CA 95814
(916) 324-5481

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Section 156.00 in Chapter 1, Division 1, Article 3 of Title 13, California Code of Regulations to clarify the issuance of Clean Air Vehicle Stickers.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M., **January 9, 2006**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to amend this regulation under the authority granted by Section 1651 of the Vehicle Code in order to implement, interpret or make specific Sections 5205.5 and 21655.9 of the Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code sections 5202.5 and 21655.9 allow specified vehicles to use high-occupancy vehicle (HOV) lanes (diamond lanes) with fewer than the required occupants. The Department of Transportation is authorized to remove the diamond lane from use by the subject vehicles under certain specific conditions. AB 2628 (Chapter 725, Statutes of 2004) amended sections 5202.5 and 21655.9 to allow single-occupant use of HOV lanes by the cleanest alternative fuel, hybrid, and full-electric vehicles.

The Department of Motor Vehicles is required to provide specific vehicles, as determined by the Air Resources Board, with stickers that are to be affixed to the vehicle and allow the vehicle access to the HOV lanes. The statutes are very specific about what type of vehicle is eligible to receive Clean Air Vehicle stickers. Since the department does not have the expertise to determine which vehicles qualify for the stickers, the department relies on the Air Resources Board to provide a list of qualifying vehicles.

This proposed regulation would modify section 156.00, Title 13, California Code of Regulations, to reflect vehicles qualifying for the Clean Air Vehicle Stickers under the Ultra-Low Emission, Partial Zero Emission, and Advanced Technology Partial Zero

Emission Vehicle standards. This proposal would allow specific hybrid powered vehicles to be eligible to receive a Clean Air Vehicle Sticker as well.

FISCAL IMPACT STATEMENT

- Cost or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This is a voluntary program and stickers are only issued to vehicles that qualify.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. This is a voluntary program and the regulation only specifies what is necessary in order to obtain high occupancy vehicle stickers.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention

of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Randi Calkins, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California, 94232-3820; telephone number (916) 657-8898, or rcalkins@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov, Other Services, Legal Affairs Division, Regulatory Actions Web Page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

PROPOSITION 65

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE OF INTENT TO LIST CHEMICALS November 25, 2005

The Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as Proposition 65), codified at Health and Safety Code section 25249.5 et seq., provides two primary mechanisms for administratively listing chemicals that are known to the State to cause cancer or reproductive toxicity (Health and Safety Code section 25249.8(b)). A chemical may be listed under Proposition 65 when a body considered to be authoritative by the state's qualified experts has formally identified the chemical as causing cancer or reproductive toxicity. The following entities are identified as authoritative bodies for purposes of Proposition 65, as it pertains to chemicals known to cause cancer: the U.S. Environmental Protection Agency, the International Agency for Research on Cancer, the U.S. Food and Drug Administration, the National Institute for Occupational Safety and Health, and the National Toxicology Program. The criteria for listing chemicals through the authoritative bodies mechanism are set forth in Title 22, California Code of Regulations, section 12306.

As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA), within the California Environmental Protection Agency intends to list the chemicals, *iprovalicarb* and *propoxur*, as known to the State to cause cancer, pursuant to this administrative mechanism as provided in Health and Safety Code section 25249.8(b) and Title 22, Cal. Code of Regs., section 12306.

Relevant information related to the possible listing of *iprovalicarb* and *propoxur* was requested in a notice published in the *California Regulatory Notice Register* on, April 29, 2005 (Register 05, No. 17-Z). The opportunity to request a public forum was provided, but no such request was received and no forum was held. One comment was received on each chemical. OEHHA has reviewed the comments and determined that the chemicals, *iprovalicarb* and *propoxur*, meet the criteria for listing under Title 22, Cal. Code of Regs., section 12306, and therefore OEHHA is issuing

this notice of intent to list them under Proposition 65. A document providing more detail on the basis for the listing of the chemicals can be obtained from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the OEHHA Web site at: <http://www.oehha.ca.gov/>. Anyone wishing to provide comments as to whether the listing of these chemicals meets the criteria for listing provided in Title 22, Cal. Code of Regs., section 12306 should send written comments in triplicate, along with any supporting documentation, by mail or by fax to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street address: 1001 I Street, 19th Floor
Sacramento, California 95814
Mailing address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900

Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: coshita@oehha.ca.gov. In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on Monday, January 9, 2006.

The following chemicals have been determined by OEHHA to meet the criteria set forth in Title 22, Cal. Code of Regs., section 12306 for listing as causing cancer under the authoritative bodies mechanism:

Chemical	CAS No.	Reference
Iprovalicarb	140923-17-7; 140923-25-7	U.S. EPA (2002)
Propoxur	114-26-1	U.S. EPA (1996)

REFERENCE

U.S. Environmental Protection Agency (U.S. EPA, 1996). *Memorandum: Carcinogenicity Peer Review of (4th) Baygon (Propoxur)*. Office of Prevention, Pesticides and Toxic Substances. June 17, 1996.

U.S. Environmental Protection Agency (U.S. EPA, 2002). Cancer Assessment Document. Evaluation of the Carcinogenic Potential of Iprovalicarb. Cancer Assessment Review Committee. Health Effects Division. Office of Pesticide Programs. April 11, 2002.

DISAPPROVAL DECISIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You

may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225—FAX (916) 323-6826. Please request by OAL file number.

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW (Government Code, sec. 11349.6) OAL File No. 05-1025-02 E

DECISION OF DISAPPROVAL OF EMERGENCY REGULATORY ACTION

In re:

AGENCY: CALIFORNIA HORSE RACING BOARD

ACTION: Adopt section 1920.1 of Title 4 of the California Code of Regulations

DECISION SUMMARY

On October 25, 2005, the California Horse Racing Board (Board) submitted to the Office of Administrative Law (OAL) the proposed emergency action which would have subjected any horse, stable, or trainer on the premises to heightened surveillance during the period of ten days immediately preceding, and during, any race meeting. On November 4, 2005, OAL notified the Board that OAL disapproved the emergency regulatory action because the record did not demonstrate that the proposed regulation is necessary for the immediate preservation of the public peace, health and safety, or general welfare, a provision in the regulation was unclear, and a form required by the Department of Finance was not completely filled out.

Date: November 10, 2005

CRAIG S. TARPENNING
Senior Staff Counsel

for: WILLIAM L. GAUSEWITZ
Director

Original: Roy Minami, Assistant Executive Director
cc: Harold Coburn

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained

by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF ACCOUNTANCY

Experience Certification, Corporations, CE, Reports, Citations and Fines

In this “change without regulatory effect” filing, the California Board of Accountancy makes various nonsubstantial changes to its regulations to update statutory cross-references, update and correct reference citations, and delete references to previously-repealed statutes and regulations.

Title 16

California Code of Regulations

AMEND: 69, 75.5, 87.5, 89, 89.1, 95, 95.2, 95.3, 95.4

Filed 11/15/05

Effective 12/15/05

Agency Contact: Aronna Wong (916) 561-1788

BOARD OF EDUCATION

Special Education—Highly Qualified Teachers

This regulatory action provides an alternative method a middle or high school level special education teacher, who is new to the profession, may use to demonstrate subject matter competence for purposes of meeting “highly qualified” teacher requirements.

Title 5

California Code of Regulations

AMEND: 6111

Filed 11/15/05

Effective 11/15/05

Agency Contact: Debra Strain (916) 319-0641

BOARD OF FORESTRY AND FIRE PROTECTION

AB 2420 Forest Fire Prevention Exemption, 2005

This filing is an adoption through the rulemaking process of a new subsection (f) for section 1038.2 and an amendment to subsection (e) and a new subsection (i) for section 1038 (with some revision to changes originally adopted as an emergency regulation) to implement the forest fire prevention exemption in Public Resources Code section 4584(k).

Title 14

California Code of Regulations

ADOPT: 1038(i) AMEND: 1038.2, 1038(e)

Filed 11/09/05

Effective 01/01/06

Agency Contact:

Christopher Zimny (916) 653-9418

BOARD OF FORESTRY AND FIRE PROTECTION

Transition Silviculture, 2005

This action amends the limitations on transition of silvicultural methods to uneven-aged management in

order to permit more opportunities for transition from unbalanced, irregular, and evenaged structure.

Title 14

California Code of Regulations

AMEND: 913.2 [933.2, 953.2], 913.11 [933.11, 953.11]

Filed 11/16/05

Effective 01/01/06

Agency Contact:

Christopher Zimny (916) 653-9418

COMMISSION ON STATE MANDATES

Delegation of Certain Functions

This action establishes procedures for appeal of Executive Director decisions. This action is exempt from OAL review pursuant to Government Code section 17527(g).

Title 2

California Code of Regulations

AMEND: 1181

Filed 11/16/05

Effective 12/16/05

Agency Contact: Cathy Cruz (916) 323-3562

DEPARTMENT OF DEVELOPMENTAL SERVICES

Nonsubstantive Amendments to the Vendor and Residential Regulations

This is a nonsubstantive filing updating various internal cross-reference citations that have either been repealed or renumbered.

Title 17

California Code of Regulations

AMEND: 54355, 56002, 56040

Filed 11/10/05

Effective 12/10/05

Agency Contact: Diana Nicolaou (916) 654-1760

DEPARTMENT OF HEALTH SERVICES

Medi-Cal Enrollment Process and Criteria

The regulatory action deals with the Medi-Cal Enrollment Process and Criteria. (Prior OAL Files 04-0922-02EP, 05-0119-02EFP and 05-0527-01EFP. DHS File Number R-04-04E.)

Title 22

California Code of Regulations

ADOPT: 51000.6.1, 51000.10.1, 51000.15.1, 51000.20.1, 51000.24.1, 51000.25.1, 51000.25.2, 51000.31, 51000.32, 51000.51, 51000.52, 51000.53, 51000.55, 51000.60, 51051 AMEND: 51000.1, 51000.1.1, 51000.3, 51000.4, 51000.6, 51000.7, 51000.16, 51000.30, 51000

Filed 11/10/05

Effective 11/10/05

Agency Contact:

William V. Brennan (916) 657-0630

DEPARTMENT OF INSURANCE

Conflict of Interest Code

The Department of Insurance is amending its conflict of interest code found at title 10, section 2690.1, et seq., California Code of Regulations. This amendment was approved for filing by the Fair Political Practices Commission on September 30, 2005.

Title 10

California Code of Regulations

AMEND: 2690.1

Filed 11/15/05

Effective 12/15/05

Agency Contact: Rick Flores (916) 492-3354

EDUCATION AUDIT APPEALS PANEL

Audits of K-12 LEAs—FY 2004-05: CSR in Certain K-3 Schools

This regulatory action amends § 19826.1 to clarify the audit guide provisions applicable to school districts and charter schools with only one school serving K-3. The primary purpose of these amendments is to conform to statute a specified mode of compliance with the CSR program rules as being optional for these schools.

Title 5

California Code of Regulations

AMEND: 19826.1

Filed 11/10/05

Effective 11/10/05

Agency Contact:

Timothy E. Morgan (916) 445-7745

MANAGED RISK MEDICAL INSURANCE

BOARD

Premium Increase for Healthy Families

This action is the Certificate of Compliance filing making permanent the prior emergency adoption of monthly premium payment increases for specified subscribers to the Healthy Families Program as mandated by SB1103 (Chap. 228, Stats. 2004).

Title 10

California Code of Regulations

AMEND: 2699.6600, 2699.6809

Filed 11/16/05

Effective 11/16/05

Agency Contact:

Donald G. Minnich (916) 327-7978

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN JUNE 22, 2005
TO NOVEMBER 16, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of

Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

11/16/05 AMEND: 1181

11/07/05 ADOPT: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328, 1

11/07/05 AMEND: 20107

10/31/05 AMEND: 1859.2, 1859.81, 1866

10/27/05 AMEND: 1859.2, 1859.51, 1859.104.3, 1859.147, 1859.202, 1866, Form SAB 50-01

10/24/05 ADOPT: 1859.23 AMEND: 1859.2, 1859.122, 1859.123, 1859.123.1

10/18/05 ADOPT: 18732.5

10/11/05 AMEND: 18401, 18427.1, 18700, 18705, 18707.9, 18730, 18750

10/11/05 AMEND: 18450.4

10/11/05 ADOPT: 18117, 18772

10/06/05 ADOPT: 18735.5

09/23/05 ADOPT: 2280, 2281, 2282, 2283, 2284

09/15/05 AMEND: Div. 8, Ch. 71, Sec. 56000

09/13/05 AMEND: 18730

09/07/05 AMEND: Div. 8, Ch. 99, Sec. 58800

09/06/05 ADOPT: 1183.12, 1183.13, 1183.14
AMEND: 1181, 1181.1, 1181.2, 1181.3, 1183, 1183.01, 1183.02, 1183.03, 1183.04, 1183.05, 1183.06, 1183.07, 1183.08, 1183.1, 1183.11, 1183.12, 1183.2, 1183.21, 1183.3, 1187, 1187.2, 1187.3, 1187.4, 1188.1, 1188.3, 1188.4,

08/29/05 AMEND: Div. 8, Ch. 6, Sec. 27000

08/15/05 AMEND: 51000

08/09/05 ADOPT: 59520

08/04/05 AMEND: 2271

07/27/05 ADOPT: Div. 8, Ch. 23, Sec. 44000

07/20/05 ADOPT: 18530.7

07/20/05 AMEND: 18570

07/18/05 AMEND: 55400

07/18/05 AMEND: 18452

07/06/05 AMEND: 7286.0

06/24/05 AMEND: 599.502, 599.506

Title 3

10/25/05 AMEND: 3406(b)

10/24/05 AMEND: 3433(b)

10/20/05 AMEND: 3591.19(a)

10/19/05 AMEND: 3406(b)
 10/18/05 ADOPT: 3591.18
 10/17/05 AMEND: 3406(b)
 10/07/05 AMEND: 3406(b)
 10/07/05 ADOPT: 6551
 10/04/05 ADOPT: 3963
 10/03/05 AMEND: 3433
 09/28/05 ADOPT: 3591.19
 09/27/05 AMEND: 3700(c)
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 08/12/05 AMEND: 3700(c)
 08/08/05 ADOPT: 1811, 1812, 1850 AMEND:
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 10/12/05 AMEND: 1433
 09/13/05 ADOPT: 1843.6
 09/12/05 AMEND: 4140
 08/24/05 AMEND: 1663
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 06/27/05 ADOPT: 10175, 10176, 10177, 10178,
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 10/19/05 AMEND: 11900, 11905, 11915, 11920,
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 10/14/05 ADOPT: 18092.5 AMEND: 18066,
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10/14/05 ADOPT: 18092.5 AMEND: 18066,
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 10/11/05 ADOPT: 18220.2, 18224.2, 18224.4,
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 09/28/05 AMEND: 50500
 09/01/05 REPEAL: 1630
 08/22/05 AMEND: 850, 851, 852, 853, 853.5, 854,
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 08/16/05 ADOPT: 1207.5 AMEND: 1200, 1203,
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 09/09/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,
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 11/15/05 AMEND: 2690.1
 11/03/05 ADOPT: 2698.95.1, 2698.95.11,
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 10/07/05 ADOPT: 2698.30, 2698.31, 2698.32,
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 09/28/05 AMEND: 260.121
 07/07/05 AMEND: 4010, 4011, 4013, 4016, 4018, 4019, 5000, 5001, 5002, 5003, 5005, 5006, 5007, 5008, 5009, 5010, 5013, 5020, 5050, 5051, 5060, 5061, 5070, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5119, 5260, 5261, 5262, 5263, 5264, 5266, 5267, 5268,
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 08/22/05 AMEND: 1002, 1007, 1018, 1008, 1015
 08/12/05 AMEND: 1005, 1060
 08/01/05 AMEND: 1005, 1014
 07/28/05 ADOPT: 720, 721, 722, 723, 724,
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 10/27/05 AMEND: 2453, 2455
 10/18/05 AMEND: 28.18, 28.19, 28.20, 28.21, 28.22, 28.23
 09/15/05 ADOPT: 1961.1 AMEND: 1900, 1961
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 09/12/05 AMEND: 2262, 2264.2, 2266.5(a)(6)
 08/24/05 AMEND: 551.2, 551.15
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 08/11/05 AMEND: 423.00
 08/08/05 AMEND: 2185
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 07/28/05 AMEND: 25.15, 25.18, 25.19, 25.21, 25.22
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07/05/05 ADOPT: 2299 (Title 13), 93117 (Title 17)
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 11/09/05 ADOPT: 1038(i) AMEND: 1038.2, 1038(e)
 11/02/05 AMEND: 632
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 10/31/05 AMEND: 180.1
 10/26/05 AMEND: 2516

10/25/05 AMEND: 11900
 10/24/05 AMEND: 1251, 1252, 1252.1, 1253, 1254, 1256, 1257
 10/18/05 ADOPT: 17939.1, 17939.2, 17939.3, 17939.4, 17939.5 AMEND: 17930, 17931, 17932, 17933, 17934, 17934.1, 17934.3, 17934.5, 17935, 17935.1, 17935.2, 17935.3, 17935.4, 17935.5, 17935.55, 17935.6, 17936
 10/13/05 AMEND: 699.5
 10/13/05 AMEND: 895, 895.1, 1038, 1038(f)
 10/12/05 ADOPT: 18459.1.2 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 19462, 18463, 18464, 18466
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08/23/05 AMEND: 3025
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10/20/05 AMEND: 1922.3
10/20/05 AMEND: 1870, 1870.1, 1874
10/18/05 AMEND: 1807.2, 1833, 1833.1, 1833.2, 1887.4, 1889, 1889.1, 1889.3
10/11/05 AMEND: 7, 7.1, 9, 9.2, 11.5, 13 REPEAL: 14
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09/20/05 AMEND: 407(c)
09/09/05 AMEND: 1399.170.11
09/07/05 ADOPT: 1712 AMEND: 1706.2, 1715, 1717, 1719, 1720, 1720.1, 1725, 1726, 1728, 1732, 1732.05, 1732.1, 1732.2, 1732.3, 1732.4, 1732.5, 1732.6, 1732.7, 1745, 1749 REPEAL: 1727, 1750
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09/06/05 ADOPT: 1659.30(a)(b)(c), 1659.31(a)(b), 1659.32(a)(b), 1659.33, 1659.34(a)(b)(c), 1659.35
08/29/05 AMEND: 404.1, 404.2
08/25/05 AMEND: 1399.15
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07/28/05 AMEND: 1387, 1387.1, 1387.2, 1387.3, 1387.5, 1387.6, 1390, 1390.3, 1391
07/27/05 AMEND: 2085.2
07/26/05 AMEND: 418
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07/22/05 AMEND: 109, 116, 117
07/21/05 ADOPT: 1070.5

07/18/05 ADOPT: 1399.327, 1399.350.5, 1399.352.7, 1399.372.5
07/12/05 AMEND: 1397.51
07/06/05 ADOPT: 1922.3, 1993.1 AMEND: 1950.5, 1951, 1953
07/05/05 ADOPT: 1399.454 AMEND: 1399.450, 1399.451
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09/12/05 ADOPT: 1029.117, 1029.134, 1031.8, 1031.9, 1032.5, 1035.3, 1035.4
09/07/05 REPEAL: 1411.1, 1420.1, 1420.2, 1420.3, 1420.4, 1420.5, 1422.3, 1498, 1498.1, 1498.2, 1498.3, 1498.4, 1498.5, 1498.6, 1498.7, 1498.8, 1498.9
08/31/05 ADOPT: 93102.5
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07/11/05 AMEND: 54319
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10/04/05 AMEND: 80072(a)(8), 85068.4
09/27/05 AMEND: 311-1
09/27/05 ADOPT: 4400(jj), 4403.1, 4446.5 AMEND: 4400(I), 4403, 4412.1, 4415, 4417
09/02/05 AMEND: 4418 REPEAL: 4419, 4442.1, 4444
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08/12/05 AMEND: 12805
08/11/05 AMEND: 97212., 97232, and 97241.
08/10/05 ADOPT: 97800, 97810, 97820, 97830, 97840, 97850, 97860, 97870, 97880, 97890
07/11/05 AMEND: 70217
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10/12/05 ADOPT: 3005
10/04/05 AMEND: 2908

10/03/05 AMEND: 3900
09/22/05 ADOPT: 18456.2.1, 18460.2.1, Forms CIWMB 173 (4/04), 180(3/04) AMEND: 18449, 18450, 18451, 18456, 18459, 18459.2.1, 18459.3, 18461, 18462
09/08/05 ADOPT: 3966
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08/12/05 AMEND: 8204, 8210, 8211, 8212, 8212.1, 8213, 8217
07/22/05 ADOPT: 1019, 1105, 1276, 2105, 2276
07/11/05 AMEND: 8002, 8004, 8012, 8014
07/07/05 ADOPT: 8439, 8439.1, 8439.2, 8439.3, 8439.4, 8440, 8440.1, 8440.2, 8440.3, 8441, 8441.1, 8441.2, 8441.3 8441.4, 8441.5, 8442, 8442.1, 8442.2, 8442.3, 8442.4 8442.5, 8442.6, 8442.7, 8442.8, 8442.9, 8442.10, 8442.11, 8443, 8443.1, 8443.2, 8443.3, 8443.4,

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09/26/05 ADOPT: 15241, 15242

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08/22/05 ADOPT: 1300.67.1.3
08/10/05 ADOPT: 1300.75.4.2, 1300.75.4.4, 1300.75.4.7, 1300.75.4.8 AMEND: 1300.75.4, 1300.75.4.5
07/25/05 AMEND: 1300.74.30

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08/12/05 AMEND: 42-101
08/05/05 ADOPT: 63-508, 63-509 AMEND: 63-034, 63-102, 63-103, 63-300, 63-301, 63-410, 63-501, 63-503, 63-504, 63-505, 63-801, 63-804
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